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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ERIN CALLAHAN LAMBERT,

17 Defendant.

No. CR 07-0064 MAG

STIPULATION REQUESTING
CONTINUANCE OF HEARING AND
EXCLUSION OF TIME FROM SPEEDY
TRIAL ACT CALCULATION (18 U.S.C. §
3161(h)(2), (h)(8)(A)), AND ~~PROPOSED~~
ORDER

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19 This matter is currently scheduled for hearing on the duty magistrate calendar on April
20 19, 2007. The United States Attorney's Office previously referred this matter to the Pretrial
21 Services Agency ("Pretrial Services") for evaluation for pretrial diversion. Last week, Pretrial
22 Services notified the parties of its acceptance of this matter into the pretrial diversion program.
23 The parties respectfully request a week-long continuance of the hearing in this matter in order to
24 allow the parties to complete the paperwork necessary for pretrial diversion to be put in place. If
25 the Court grants this request for a week's continuance, this matter would be placed on the duty
26 magistrate calendar for April 26.

27 The parties also stipulate, with the consent of defendant Erin Callahan Lambert, that an
28 accompanying week-long exclusion of time is appropriate under the Speedy Trial Act, 18 U.S.C.

§ 3161(c)(1). The parties agree, and ask the Court to find and hold, as follows:

1. With the concurrence of defendant, the United States Attorney's Office has referred this matter to the Pretrial Services Agency ("Pretrial Services") for evaluation for pretrial diversion. Pretrial Services has recently deemed the matter appropriate for pretrial diversion. To allow time for completion of the paperwork necessary for pretrial diversion, defendant agrees to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, in this case.

2. Given these circumstances, the parties agree, and ask the Court to find, that the ends of justice served by excluding the period from April 19, 2007, to April 26, 2007, outweigh the best interest of the public and the defendant in a speedy trial. Id. at § 3161(h)(8)(A).

3. The parties concur, and ask the Court also to find, that the parties' joint pursuit of pretrial diversion and deferred prosecution also justify excluding from Speedy Trial Act calculations the period from April 19, 2007, to April 26, 2007, pursuant to 18 U.S.C. § 3161(h)(2).

IT IS SO STIPULATED:

DATED: April 18, 2007

/s/ _____
KATE DYER
Attorney for Defendant

DATED: April 18, 2007

/s/ _____
ANDREW P. CAPUTO
Assistant United States Attorney

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1 IT IS SO ORDERED. This matter is continued to April 26, 2007, at 9:30 a.m. For the
2 reasons stated in the above stipulation, the period from April 19, 2007, to April 26, 2007, is
3 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(2), (h)(8)(A) & (B)(iv).
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8 DATED: 4/18/07


HONORABLE EDWARD M. CHEN
United States Magistrate Judge